

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. 5:17-CR-169-1H  
No. 5:19-CV-194-H

BARRY LANIEL BOSTIC, )  
                          )  
Petitioner,            )  
                          )  
                          )  
v.                     )                           **ORDER**  
                          )  
                          )  
UNITED STATES OF AMERICA, )  
                          )  
                          )  
Respondent.            )

This matter is before the court on petitioner's Motion to Withdraw his Motion to Vacate, [DE #127]. Due to the unique procedural posture of this case and out of an abundance of caution, the court construes petitioner's filing as a motion to voluntarily dismiss his claims without prejudice pursuant to Fed. R. Civ. P. 41(a)(2). Therefore, the court GRANTS petitioner's motion, [DE #127], and hereby DISMISSES petitioner's motion to vacate, [DE #92]. Petitioner's motion for extension of time to file motion/reply is GRANTED. The clerk is directed to close this case.

This 27th day of May 2020.

  
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MALCOLM J. HOWARD  
Senior United States District Judge

At Greenville, NC  
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